

Aaron B. Gorodetzer, Esquire
Attorney I.D. 203384
Sbarbaro Law Offices
1221 West Chester Pike
West Chester, PA 19382
610-344-7300

Attorney for Plaintiff Gabriel Snow

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GABRIEL SNOW,	:	
Plaintiff	:	
	:	
v.	:	CIVIL ACTION
	:	NO.
	:	
COREY ROADCAP,	:	
FRANK NASH, JOHN DOE,	:	
A&B PARTNERSHIP, &	:	
XYZ CORP. (fictitious names) t/d/b/a	:	
FRANK'S TRATORIA and/or	:	
FRANK'S PIZZA TRATTORIA and/or	:	
FRANK'S PIZZA,	:	
JOHN DOES 1-10 (fictitious names),	:	
JOHN DOE 11-20, X&Y PARTNERSHIP, &	:	
ABC CORP. (fictitious names)	:	
Defendants	:	JURY TRIAL DEMANDED

COMPLAINT

I. NATURE OF THE ACTION

1. Plaintiff, Gabriel Snow, brings this action against defendants because of the negligent and/or in the alternative intentional actions of said defendants as a result of an attack on Plaintiff by Defendant Corey Roadcap at Frank's Trattoria a restaurant in Bloomsburg, Columbia County, PA, then located at 134 E Main Street, Bloomsburg, PA 17815 where Plaintiff suffered severe physical injuries along with other unknown entities which provided alcohol to Defendant Corey Roadcap, despite him being visibly intoxicated.

II. JURISDICTION AND VENUE

2. This Court shall have jurisdiction pursuant to 28 U.S. Code § 1332, because Plaintiff Gabriel Snow, a current resident of the State of New York and the Defendants, upon information and belief are Pennsylvania Residents and Virginia Residents for purposes of Diversity of Citizenship and the amount in controversy exceeds \$75,000.00.

III. PARTIES

3. Plaintiff Gabriel Snow is an adult individual residing at 167 Starr Street, Apt 2L, Brooklyn, NY 11237.
4. Defendant Corey Roadcap, upon information and belief is an adult individual residing in the Commonwealth of Virginia at 1541 Shipwreck Drive, New Market, VA 22844-3413.
5. Defendant Frank Nash d/b/a Frank's Trattoria and/or Frank's Pizza Trattoria and/or Frank's Pizza, upon information and belief, is a Pennsylvania sole proprietorship operating a restaurant currently located at 58 E Main St, Bloomsburg, PA 17815 and a former location located at 134 E Main Street, Bloomsburg, PA 17815.
6. Defendants John Doe, A&B Partnership and/or XYZ Corp. are yet unidentified individuals, partnerships or corporations who were involved in the operation and ownership of the restaurant originally located at 134 E Main Street, Bloomsburg, PA 17815 and currently located at 58 E Main St, Bloomsburg, PA 17815.
7. Defendants John Does 1-10 are yet unidentified individuals who were either employees at the restaurant located at 134 E Main Street, Bloomsburg, PA 17815 and/or patrons of the restaurant located at 134 E. Main St. Bloomsburg, PA 17815 on January 18, 2015.

8. Defendants John Does 11-20, X&Y Partnership and/or ABC Corp. are yet unidentified individuals, partnerships or corporations who served and/or provided alcohol to Defendant Corey Roadcap while he was visibly intoxicated.
9. At all times hereto all corporate Defendants acted by and through their agents, servants, workman and/or employees.

IV. FACTUAL ALLEGATIONS

10. On or about January 18, 2015, Plaintiff was a patron at the pizza restaurant with signage indicating "Frank's Trattoria," then located at 134 E Main Street, Bloomsburg, PA 17815.
11. Without any provocation, another patron, Defendant Corey Roadcap, who was visibly intoxicated began to become visibility agitated with Plaintiff Gabriel Snow.
12. Despite awareness of this agitation, no one took any action to deescalate Defendant Corey Roadcap.
13. Without any provocation, Defendant Corey Roadcap attacked the Plaintiff causing Plaintiff to suffer, without limitation, injuries severe in nature, requiring hospitalization and facial reconstruction surgery.
14. As a direct and proximate result of Defendants Negligence and/or Assault and battery, Plaintiff has incurred, and may in the future incur, a loss of earnings and/or earning capacity, loss of benefits, pain and suffering, embarrassment, humiliation, loss of self-esteem, mental anguish, and loss of life's pleasures, the full extent of which is not known at this time.

V. CAUSES OF ACTIONS

COUNT I NEGLIGENCE (RESTAURANT ENTITIES)

15. Plaintiff hereby incorporates by reference the averments of paragraphs 1 through 14 as if fully set forth herein.

16. Defendants Frank Nash d/b/a Frank's Trattoria and/or Frank's Pizza Trattoria and/or Frank's Pizza John Nash, Defendants John Doe, A&B Partnership and/or XYZ Corp. and Defendants Jone Does 1-10 owed Plaintiff a duty to provide a safe and secure premises to their patrons, including the Plaintiff, while on the premises.
17. Defendants breached this duty by:
- a. Failing to provide adequate security at their premises;
 - b. Failing to adequately control patrons who were visibly intoxicated and agitated inside their premises;
 - c. Failing to ensure the safety of their patrons.
 - d. Other negligence acts under the circumstances.
18. As both a direct and proximate cause of Defendants' negligence, Plaintiff suffered severe injuries without limitation, to his face causing him anxiety, fear, embarrassment, severe and permanent physical and emotional injury, lost wages, lost earning capacity, and loss of life's pleasures.

COUNT II
NEGLIGENCE
(COREY ROADCAP)

19. Plaintiff hereby incorporates by reference the averments of paragraphs 1 through 18 as if fully set forth herein.
20. Defendant Corey Roadcap owed Plaintiff a duty not cause injury to the Plaintiff.
21. Defendant Corey Roadcap breached this duty by negligently:
- a. Becoming intoxicated to the point of losing control of his faculties and causing him to attack Plaintiff; or in the alternative,
 - b. Negligently causing himself to come into contact with Plaintiff;
 - c. Other negligence acts under the circumstances.
22. As both a direct and proximate cause of Defendant's negligence, Plaintiff suffered severe injuries without limitation, to his face causing him anxiety, fear, embarrassment, severe and permanent physical and emotional injury, lost wages, lost earning capacity, and loss of life's pleasures.

COUNT III
ASSAULT AND BATTERY
(COREY ROADCAP)
IN THE ALTERNATIVE

23. Plaintiff hereby incorporates by reference the averments of paragraphs 1 through 22 as if fully set forth herein.
24. Defendant Corey Roadcap intentionally, knowingly and/or recklessly attacked Plaintiff with and placed Plaintiff in fear of imminent bodily harm.
25. Defendant Corey Roadcap intentionally, knowingly and/or recklessly physically contacted Plaintiff representing indecent contact that a reasonable person should not be expected to tolerate.
26. As both a direct and proximate cause of Defendant Corey Roadcap's Assault and Battery, Plaintiff suffered severe injuries without limitation, to his face causing him anxiety, fear, embarrassment, severe and permanent physical and emotional injury, lost wages, lost earning capacity, and loss of life's pleasures.

COUNT IV
State Law Claim – Dram Shop Violation
(John Does 11-20, X&Y Partnership and/or ABC Corp.)

27. Plaintiff hereby incorporates by reference the averments of paragraphs 1 through 26 as if fully set forth herein.
28. It is unlawful for the holder of a license to sell alcohol or one of its employees, servants or agents, "to sell, furnish or give liquor or malt or brewed beverages or to permit any liquor or malt or brewed beverages to be sold, furnished or given to any person visibly intoxicated..." 47 P.S. §4-493(1).
29. Defendants John Does 11-20, X&Y Partnership and/or ABC Corp. and their agents, servants, workers and employees owed a duty to the public and/or Plaintiff, Gabriel Snow, to refrain from selling, furnishing or giving any liquor or malt or brewed beverages to Defendant, Corey Roadcap, who became visibly intoxicated inside Defendants John Does 11-20, X&Y Partnership and/or ABC Corp. business location, as a result of consuming alcoholic beverages there.
30. Defendants sold, furnished and/or gave Defendant Corey Roadcap alcohol while he was visibly intoxicated.

31. As a direct and proximate cause of Defendants' conduct, Plaintiff suffered severe injuries without limitation, to his face causing him anxiety, fear, embarrassment, severe and permanent physical and emotional injury, lost wages, lost earning capacity, and loss of life's pleasures.

COUNT V
State Law Claim – Negligence
(John Does 11-20, X&Y Partnership and/or ABC Corp.)

32. Plaintiff hereby incorporates by reference the averments of paragraphs 1 through 31 as if fully set forth herein.

33. By serving alcohol to visibly intoxicated patrons, Defendants created an unreasonably dangerous situation.

34. As a direct and proximate cause of Defendants' conduct as set forth above, Plaintiff suffered severe injuries without limitation, to his face causing him anxiety, fear, embarrassment, severe and permanent physical and emotional injury, lost wages, lost earning capacity, and loss of life's pleasures.

VI. Prayer for Relief

WHEREFORE, Plaintiff requests this Honorable Court enter judgment in his favor and against Defendants, individually, jointly and severally, in an amount in excess of \$75,0000.00, plus such other and further relief as this Honorable Court deems necessary and just, and to Order the following relief:

- a. Statutory damages;
- b. Compensatory damages, including;
 - i. Actual damages for financial injury (including but not limited to wage loss and loss of earning capacity) and emotional distress;
 - ii. Reasonable expenses, and costs of suit; and
- c. Punitive damages.

DATE:01-17-17

SBARBARO LAW OFFICES, LLC
BY: s/ AARON B. GORODETZER
Aaron B. Gorodetzer, Esquire (Pa. Attorney ID No. 203384)
1221 West Chester Pike
West Chester, PA 19382
610-344-7300
610-441-7523 (fax)
Attorneys for Plaintiff Gabriel Snow